


**Exhibit A**

**Administrative Record**

**§g(2)**

**City of San Leandro  
Community Development Department  
Planning Services Division  
Staff Report**

**DATE:** December 7, 2006  
**TO:** Board of Zoning Adjustments  
**FROM:** Debbie Pollart, Planning Manager   
**SUBJECT:** Matter of consideration of amendments to the Zoning Code related to creation of an Assembly Use Overlay.

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**SUMMARY AND RECOMMENDATION**

In response to an application by a church to re-locate to a non-residential district, staff analyzed the possibility of allowing assembly uses on appropriate non-residential sites, and expanding the land use options for such uses.

Staff recommends that the Board of Zoning Adjustments review the proposed Zoning Code amendments and make comments that will be forwarded to the Planning Commission. The Planning Commission will hold a public hearing on this matter after completion of the required environmental analysis by staff (meeting date to be determined). At the future public hearing, the Planning Commission will make a formal recommendation to the City Council. The City Council meeting will be scheduled (and receive separate notification) after consideration by the Planning Commission.

**BACKGROUND**

On May 18, 2006, staff received an application from Faith Fellowship Church (FFC) requesting a Zoning Code amendment to conditionally permit Assembly uses in Industrial Limited (IL) zones. FFC is in contract to purchase the property at 14600 Catalina (formerly occupied by MDL). This property is zoned Industrial Professional (IP). Although not currently codified in Article 3 – Definitions of the Zoning Code, assembly uses include the following two uses that are defined: Clubs and Lodges; Religious Assembly.

Currently, the Zoning Code conditionally permits Religious Assembly uses in R districts, and Faith Fellowship's current location at 577 Manor is zoned RS (PD), Residential Single Family, Planned Development Overlay District.

A joint worksession with the Board of Zoning Adjustments and Planning Commission was held on October 19. Based upon policy and criteria set forth in the General Plan, staff presented two

options for consideration: 1) Amend the Zoning Code to allow Assembly Uses as conditionally permitted in the IL zone; and 2) Apply an Assembly Use Overlay to identified areas. The direction given by the Board and Commission was for staff to move forward with consideration of Option 2.

## DRAFT ORDINANCE

The proposed amendments may be summarized with the following changes:

- Amend Article 3 – Definitions, delete ‘Clubs and Lodges’ and ‘Religious Assembly’ definitions and replace with new ‘Assembly Use’ definition;
- Amend Article 5 – Residential, to delete separate ‘Religious Assembly’ and ‘Clubs and Lodges’ terms and replace with ‘Assembly Uses’ (to be conditionally permitted in all R zones);
- Amend Article 13 – Special Review Overlay District, to include new sections addressing formation and applicability of an Assembly Use overlay;
- Amend Article 17 – Off-Street Parking and Loading Regulations, to make consistent with other amendments.

A current copy of the applicable Zoning Code sections, with proposed changes shown in strike-out and italics, is included as an attachment to this report.

## DISCUSSION

Staff notes that analyzing this matter raises larger General Plan policy issues. Staff looked at the following overriding General Plan Policies for guidance:

- ▶ “The areas most suitable for conversion to non-industrial uses are those located adjacent to existing housing, or in areas which lack the amenities to meet the needs of modern industry. Such areas exist along San Leandro Boulevard, Alvarado Street, and Marina Boulevard” (Page 3-52 of the General Plan).
- ▶ General Plan Policy 7.06 *Adaptive Reuse*; Policy 7.07 *Tax Base Enhancement*; Policy 10.04 *Industrial Sanctuary*; and Policy 33.04 *Separation from Sensitive Uses*;

Based on the above policies, the following criteria were suggested for evaluating appropriate locations for large assembly uses:

- ▶ Properties not located along major commercial corridors (E. 14<sup>th</sup> Street and Auto Mall area of Marina Boulevard) – *to preserve the commercial character of these corridors*;
- ▶ Properties not designated IG or IP – *to comply with General Policies*;



- ▶ However, if property is in an Industrial District, it be located near the periphery – *to comply with General Plan policies for preservation and enhancement of the City's industrial base;*
- ▶ Minimum 2-acre area – *to accommodate large assembly uses;*
- ▶ Abuts or is within ¼ mile of an arterial street – *to ensure adequacy of the street system to accommodate the traffic from such uses;*
- ▶ Vacant/underutilized property – *that may be available in the future for assembly uses.*

After inputting General Plan policy and other criteria, 13 potential areas, located throughout the City, were derived where staff believes assembly uses could be conditionally permitted. This would be accomplished via a Zoning Code text amendment to define the Assembly Use Overlay and then a Zoning Map amendment designating all of the applicable areas with the new Assembly Use Overlay. Under this option, the underlying zoning designations for each of the individual properties would not change, similar to how the S and PD Overlay Districts are utilized. In addition, implementation of the Assembly Use Overlay would not affect the existing use of the property, or the current list of permitted uses. It would allow the property owner to apply for a conditional use permit for an assembly use in the future, where such uses are not currently permitted. With this option, a total of approximately 218 acres would be affected (this includes some areas of railroad right-of-way).

Staff notes that Religious Assembly uses (now to be defined as Assembly Uses) would continue to remain conditionally permitted in R Districts.

In order to keep the Zoning Code legally defensible and up-to-date, staff has provided a new definition in Article 3 for Assembly Uses that encompasses the previous separate definitions for 'Religious Assembly' and 'Clubs and Lodges'. These two definitions would be deleted and the new Assembly Use definition would take its place. Article 5 would be amended to account for the new terminology. Article 17, related to off-street parking standards would also be amended to account for the new single 'Assembly Uses' definition.

## ENVIRONMENTAL ANALYSIS

The proposed ordinance to amend the Zoning Code for inclusion of an Assembly Use Overlay District, as well as rezoning individual properties identified in the 13 Areas with the overlay will require preparation of a Negative Declaration to meet the requirements of the California Environmental Quality Act (CEQA). Staff is currently preparing the Negative Declaration, which will have a required 20-day public review period. The Planning Commission will review the Negative Declaration as part of their formal review of the proposed amendments.

## PUBLIC OUTREACH

Legal requirements for notification of this meeting included posting of the meeting agenda at City Hall a minimum of 72 hours in advance of the meeting date. In addition, a legal ad was

placed in the Daily Review and courtesy notices were sent to all property owners identified for the 13 areas proposed for the overlay.

## RECOMMENDATION

Staff recommends that the Board of Zoning Adjustments review the proposed Zoning Code amendments, and make comments that will be forwarded to the Planning Commission (meeting date to be determined). Final review and determination will be made by the City Council at a future meeting date to be determined.

## ATTACHMENTS

- Proposed Zoning Code Amendments



## Proposed Zoning Code Amendments

(Note: Additions are shown in *italics* and deletions are shown in ~~strikeout~~)

### ► Amend Article 3 – Definitions

~~**Clubs and Lodges.** Meeting, recreational, or social facilities of a private or non-profit organization primarily for use by members or guests. This classification includes union halls, social clubs, fraternal organizations, and youth centers.~~

~~**Religious Assembly.** Facilities for religious worship and incidental religious education, but not including private schools as defined in this section.~~

~~**Religious Assembly, Temporary.** Religious services conducted on a site that is not permanently occupied by a religious assembly use, for a period of not more than thirty (30) days.~~

*Assembly Uses. Meeting, recreational, or social facilities of a private or non-profit organization primarily for use by members and their guests. This classification includes: union halls; social clubs; fraternal organizations; youth centers; and facilities for religious worship and incidental religious education (but not including private schools as defined in this Article).*

*Assembly Uses, Temporary. Assembly uses conducted on a site that is not permanently occupied by an assembly use, for a period of not more than thirty (30) days.*

### ► Amend Article 5 – Residential

## Use Regulations

### 2-504 RO District – Use Regulations

#### B. RO District – Conditionally Permitted Uses.

The following uses are allowed in the RO District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classifications.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. ~~Clubs and Lodges~~ *Assembly Uses.*
3. Day Care, General.
4. Park and Recreation Facilities, Private Noncommercial.
5. Public Safety Facilities.
6. ~~Religious Assembly.~~

C. RO District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RO District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Commercial Filming, Limited.
2. Religious Assembly Uses, Temporary.
3. Street and Neighborhood Fairs.

**2-506 RS District – Use Regulations**

B. RS District – Conditionally Permitted Uses.

The following uses are allowed in the RS District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. Assembly Uses.
3. Day Care, General.
4. Park and Recreation Facilities, Private Noncommercial.
5. Public Safety Facilities.
6. Religious Assembly.

C. RS District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RS District, subject to the regulations of Section 5-2222: Temporary Use Permits.

4. Commercial Filming, Limited.
5. Religious Assembly Uses, Temporary.
6. Street and Neighborhood Fairs.

**2-508 RD District – Use Regulations**

B. RD District – Conditionally Permitted Uses.

The following uses are allowed in the RD District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. Assembly Uses.
3. Day Care, General.



4. Park and Recreation Facilities, Private Noncommercial.
5. Public Safety Facilities.
6. ~~Religious Assembly.~~

C. RD District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RD District, subject to the regulations of Section 5-2222: Temporary Use Permits.

7. Commercial Filming, Limited.
8. Religious Assembly Uses, Temporary.
9. Street and Neighborhood Fairs.

**2-510 RM District – Use Regulations**

B. RM District – Conditionally Permitted Uses.

The following uses are allowed in the RM District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. Assembly Uses.
3. Bed and Breakfast Inns.
4. ~~Clubs and Lodges.~~
5. Day Care, General.
6. Group Housing.
7. Manufactured Home Parks.
8. Park and Recreation Facilities, Private Noncommercial.
9. Public Safety Facilities.
10. ~~Religious Assembly.~~

D. RM District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RM District, subject to the regulations of Section 5-2222: Temporary Use Permits.

10. Commercial Filming, Limited.
11. Religious Assembly Uses, Temporary.
12. Street and Neighborhood Fairs.



► Amend Article 13 – Special Review Overlay District

## Article 13 S Special Review Overlay District

### Sections:

3-1300	Specific Purposes and Applicability
3-1302	Applicability and Zoning Map Designation
3-1304	Land Use and Property Development Regulations
3-1306	Use Permit Required
3-1308	Review Criteria
3-1310	Conditions of Approval
3-1312	Procedures

### 3-1300 Specific Purposes and Applicability

In addition to the general purposes listed in Article 1, the specific purpose of the S Special Review Overlay District is to provide for discretionary review of development proposals in the Marina Automall area and in other geographic areas of the City with unique needs, which may be designated by the City Council, consistent with General Plan policies. This will ensure an orderly transition from older obsolete uses to new activities that are compatible with adjacent uses and will prevent development that may be detrimental to the community.

On \_\_\_\_\_, the City Council designated specific areas throughout the City as an Assembly Use overlay in association with the Special Review Overlay District. This designation provides a mechanism for Assembly Uses (as defined in Article 3) to be conditionally permitted.

### 3-1302 Applicability and Zoning Map Designation

The S Special Review Overlay District may be combined with any zoning district. It may be initiated by the City Council or Planning Commission under the procedures established by Article 27: Amendments. Each S Overlay District shall be shown on the zoning map by adding an "-S" to the base district designation, followed by a number based on the order of adoption. The zoning map also shall include a reference to the adopting ordinance establishing the S Overlay District.

Areas identified as 'Assembly Use' shall be designated on the zoning map by "-S(AU)", added to the base district designation.

### 3-1304 Land Use and Property Development Regulations

The land use and development regulations applicable in an S Overlay District shall be those of the base zoning district with which the S Overlay District is combined unless

modified by another overlay district or by the ordinance establishing the S Overlay District. The requirements of the applicable S Overlay District shall govern where conflicts arise.

### 3-1306 Use Permit Required

A use permit is required for any of the following actions within an S Overlay District:

- A. Establishment of any new land use and/or structure, excluding accessory structures that are minor in nature.
- B. Substantial expansion or alteration of any existing land use and/or structure.
- C. Approval of any tentative or parcel map.
- D. *Establishment of an Assembly Use on properties identified with an assembly use overlay (-S(AU)).*
- D.E. Any other action specified by the City Council at the time of the establishment of an S Overlay District.
- E.F. In addition to or in lieu of a use permit, the City Council may establish other review procedures or requirements at the time of establishment of an S Overlay District or necessary to assure conformance of uses and buildings with purposes and objectives of the S District.
- F.G. Exceptions. The Zoning Enforcement Official may waive the requirement for a use permit or other specified discretionary approval for the following activities, provided that any such waiver is not inconsistent with any policy directive or review criteria incorporated in the legislation establishing the S Overlay District. These exceptions include alterations of existing structures that are minor in nature or that do not add more than ten percent (10%) to existing floor area, and maintenance or repair of existing structures.

### 3-1308 Review Criteria

In addition to the requirements of Sections 5-2212 and 5-2214, the City Council, upon recommendation of the Planning Commission, may establish specific review criteria for each S Overlay District. These may address the relationship of the proposed land use and/or development to the surrounding area, site planning and architectural design, landscaping, parking and loading, access and on-site public facilities, the displacement and relocation of existing uses, and any policies or aspects of the General Plan or any Specific Plan applicable to the area.

*In addition to the above, Assembly Uses shall include the following review criteria:*



- A. Compliance with the development standards for the underlying zoning district that are applicable for the Assembly Use, unless the appropriate Variance or Exception is granted.
- B. Conformance with the parking standards in Article 17, unless a Parking Exception is granted.
- C. Evaluation of the noise that will be generated by the Assembly Use and the impact on adjacent uses.
- D. Adequacy of the street system to accommodate the traffic to and from the Assembly site.

### 3-1310 Conditions of Approval

In addition to the conditions of approval that may be imposed under Section 5-2214, the Planning Commission or Board of Zoning Adjustments may impose reasonable conditions to ensure compliance with the specific purposes and intent of the applicable S Overlay District, including time limits or restrictions on certain improvements to mitigate potential adverse effects, protect existing uses, and/or facilitate orderly change, at a later date, consistent with the General Plan.

*In addition to the above, Conditions of Approval for an Assembly Use shall stipulate the days/hours of operation, the scope of use, and indicate that use of the site does not allow for multiple users without prior submittal of a request in writing by the applicant/property owner, and with written approval from the Community Development Director.*

### 3-1312 Procedures

- A. General Procedures. An application for approval of a use permit in an S Overlay District shall be processed in accord with the procedures established by Sections 5-2206 and 5-2208 and any additional requirements applicable to that S district.
- B. Additional Requirements. The ordinance establishing the S Overlay District may impose additional requirements for information to be submitted with each application, such as an independent analysis of economic and fiscal impacts, an independent evaluation of compatibility between the new use(s) and adjacent development, or an assessment of alternative development concepts. If required, this information shall be considered by the Planning Commission or Board of Zoning Adjustments in making a decision to approve, conditionally approve, or deny a use permit or other discretionary approval.



► **Amend Article 17 – Off-Street Parking and Loading Regulations**

Use Classification	Off-Street Parking Spaces	Off-Street Loading Spaces Per Group Classification (See Table A, Page 14)
<b><u>Public and Semipublic</u></b>		
<i>Assembly Uses</i>	<i>1 space per 4 seats in the principal assembly area (1 per 24 linear inches of bench), or 1 space per 50 sq. ft. of assembly floor area, whichever results in the greater number of parking spaces, or as specified by use permit.</i>	C
<i>Clubs and Lodges</i>	<i>1 space per 50 sq. ft. used for assembly purposes</i>	G
<i>Religious Assembly</i>	<i>1 space per 100 sq. ft. of main seating area</i>	G